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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/514,352 | 02/28/2000 | Gunji Tsukuda | NIT-84-02 | 8320 |

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SUITE 370
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EXAMINER

PATEL, JAGDISH

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3624

DATE MAILED: 05/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/514,352

Applicant(s)

TSUKUDA, GUNJI

Examiner

JAGDISH N PATEL

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment A.

3. ☐ Applicant's reply has overcome the following rejection(s): 103 rejection of claims 2, and 4.
4. ☐ Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: ____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 2 and 4.

Claim(s) objected to: ____.

Claim(s) rejected: 1 and 22-47.

Claim(s) withdrawn from consideration: 48-51.

8. ☐ The proposed drawing correction filed on ____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1.
10. ☐ Other: ____

1. the applicant's response has overcome objection of claim 4 and rejections of claims 2 and 4.

2. The applicant's arguments regarding objection to the specification regarding claims 22-47 are not convincing.

Specifically, on p. 3 it was indicated that the limitation "an agent server to be used when commission by an agent is selected on delivery of goods" has not been disclosed by the specification. However, the applicant, in response only cites reference numeral 113 in the specification as containing this subject matter. No further explanation is provided that relates the recitation of the claim limitation to the functions of the agent server (113). The applicant's suggestion that claim 11 also provides support for the subject limitation has no basis because a claim limitation is not a basis for (teaching of) another claim limitation.

3. For the explained presented above claims 22-47 stand rejected under 112(first).

4. the applicant's arguments regarding claim 1 rejection under 35 USC 102(e) over Martin as discussed on p.8 of the office action are not convincing because there no limitation is recited which may distinguish between the customer representative and an agent. The broad limitation of claim 1, "...the delivery managing means..outputting the delivery goods information" is therefore

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disclosed as per analysis of claim 1 presented in the office action, because the arguments presented concern the role of the entity who receives the output information which is irrelevant to the apparatus as claimed.

Claim 1, therefore stand rejected under 35 USC 102(e) over Martin patent.

5. Furthermore, newly added limitations of amended independent claims 21, 26, 31 and 41 in particular would require further consideration and/or search.



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